

*The Storm Water Pollution Prevention Bulletin is prepared by the Storm Water Compliance Review Task Force to aid all projects and operations in maintaining compliance with the National Pollutant Discharge Elimination System (NPDES) permit requirements.*

## Federal, State, and Local Permits

The National Pollutant Discharge Elimination System (NPDES) storm water discharge permit administered by the State Water Resources Control Board is only one of many permits regulating pollutant discharges to the environment. Additional permits from local, state, or federal agencies are usually required when a construction activity may impact waters of the state, whether it is a new highway project or retrofitting of an existing highway or bridge.

Environmental permits are typically obtained during the design phase of the project. It is important that the construction staff be aware of the specific requirements of all applicable permits and assure that the contractor is in compliance.

The following presents a list of governing agencies and typical requirements for permits that overlap with the NPDES storm water permit.



Construction work in or adjacent to wetlands areas may require special permits from federal and state agencies

### U.S. Environmental Protection Agency (EPA)

The EPA is the primary agency that provides oversight of regulations promulgated by various federal laws including the Endangered Species Act and the Clean Water Act. Although the EPA does not issue permits, they may exercise enforcement sanctions for noncompliance. Administration of Sections 401 and 402 of the Clean Water Act is formally delegated to the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB), under the NPDES.

### National Pollutant Discharge Elimination System General Construction Permit for Storm Water Discharges:

The NPDES Permit is administered by the SWRCB and RWQCB for the State of California. Federal regulations require an NPDES Permit for construction activities disturbing an area of 5 acres or more, including a Notice of Intent and a Storm Water Pollution Prevention Plan (SWPPP). An additional

NPDES permit (or water quality certification) could be required under Section 401 for the release of water from a dewatering operation at a construction site.

**U.S. Army Corps of Engineers:** Section 404 of the federal Clean Water Act requires a permit for construction activities which discharge dredged fill in "waters" of the United States. These permits are administered by the District Offices of the U.S. Army Corps of Engineers (COE) throughout California. Section 404 permits further restrict permanent and temporary impacts to wetlands and riparian habitat.

**U.S. Fish and Wildlife Service:** The principal regulatory authority of this agency is review of the COE's Section 404 permits if endangered species occupy the project area. U.S. Fish and Wildlife Service performs biological monitoring of potential project impacts, and may restrict work activities and noise levels.

**California Department of Fish and Game:** Section 1601 of the State's Fish and Game Code requires an agreement for any construction that modifies a streambed (including all land within the "high-water" limits of the river). The "1601 permit" also mandates erosion controls to protect streambeds and prohibits discharge of trash, debris, or soil-laden water into streams or watercourses.

**Air Quality Management Districts:** AQMD regulations require the suppression of fugitive dust and monitoring of activities that may produce pollutants and affect air quality. As an example, no visible dust may travel past the project limits. Also, permits may be required for large on-site temporary plants such as asphalt pavement production facilities.

**Local Permits:** City, County, and other local agency permits may be required for any work encroaching into the right of way owned or maintained by the local agency, or affecting the facilities owned by the agency. For example, if the proposed project encroaches into flood control channels or other drainage facilities, local agency permits will probably be conditional upon many of the other regulatory agencies' permit requirements.

In conclusion, the permits described above may require specific Best Management Practices to be implemented during the course of the project. And finally, note that the requirements of one permit may be more restrictive than other applicable permits.



Additional information is available in the Caltrans Storm Water Quality Handbooks. Questions or comments may be directed to:

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